

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the comments set forth fully below. Claims 1, 3-10, 12-19, 21-37 and 39-47 were pending. Within the Office Action, Claims 1, 3-10, 12-19, 21-37 and 39-47 have been rejected. By the above amendments, Claims 1, 7, 10, 16, 19, 21, 23, 25, 28, 34, 37, and 44 have been amended. Accordingly, Claims 1, 3-10, 12-19, 21-37 and 39-47 are now pending.

Support for Claim Amendments

Applicant respectfully submits that the amendments to Claims 1, 7, 10, 16, 19, 21, 23, 25, 28, 34, 37, and 44 are supported by the original disclosure of the present application. Specifically, support is found in FIGS. 2 and 4 and in the specification on Pages 6-8. Therefore, Applicant respectfully submits that the amendments to Claims 1, 7, 10, 16, 19, 21, 23, 25, 28, 34, 37, and 44 do not introduce any new matter.

Rejections Under 35 U.S.C. § 101

Within the Office Action, Claims 1, 3-9, 19, 21-27, 37, and 39-47 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. It is argued within the Office Action that the body of Claims 1, 19, 37, and 44 appear to be claiming software components. Within the Office Action, the Applicant has been invited to claim a processor in the body of the claims in order to overcome this rejection.

In the spirit of the invitation within the Office Action, Applicant has amended the body of Claims 1, 19, 37, and 44 to include a recitation of a hardware system configured to implement what is asserted within the Office Action are software components. Accordingly, Applicant respectfully submits that Claims 1, 3-9, 19, 21-27, 37, and 39-47 are directed to statutory subject matter in accordance with 35 U.S.C. §101 and are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1, 3-10, 12-19, 21-37, and 39-47 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tischer (US 7,404,142) in view of Han et al. (US 2002/0143819).

For a §103 obviousness rejection to be proper, it must be shown that the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. MPEP 2143.

The independent Claim 1 is directed to a network device comprising a hardware system configured to implement a communications layer to provide a communications protocol to manage data content exchange between the network device and one or more other network devices, wherein the communications layer comprises an exchange protocol configured to manage data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. The hardware system of Claim 1 is also configured to implement an extension layer to provide document type definition extensions to the communications layer, wherein the document type definition extensions define the hierarchical data content structure for data content and metadata corresponding to the hierarchical data content structure, further wherein the hierarchical data content structure comprises a plurality of channels to store information.

Applicant respectfully submits that Tischer does not disclose a communications layer comprising an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure, as recited in Claim 1. On Page 3 of the Office Action, it is recognized that Tischer fails to disclose the communication layer providing a communications protocol to manage a data content exchange. However, it is asserted within the Office Action that a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Tischer by employing a communications protocol such as ICE to manage a data content exchange, such as disclosed by Han, in order to conform to the industry-standard of subscriptions and allow not only traditional content, but also web services and other kind of dynamically executed services.

Applicant respectfully disagrees with these assertions. There is no suggestion or incentive that would motivate one skilled in the art to modify Tischer to employ an Information and Content Exchange protocol configured to manage data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. It is argued within the Office Action that Tischer discloses the hierarchical data content structure. However,

Tischer's hierarchical structure is used to map categories to areas of a display device. [Tischer, col. 6, lines 36-51] Tischer also describes a structure file defining the hierarchical structure and a plurality of content files each defining a set of digital content items. [Tischer, col. 2, lines 7-28] Each content file can be related to a position within the hierarchical structure, thereby organizing the digital content items into the hierarchical structure. To present categories and digital content items rapidly, categories are read from the structure file and sets of digital content items are read from each content file. The categories are mapped to areas on a display. Continuously, a location on the display is received via a pointing device and a category corresponding to the received location is displayed. This use of the hierarchical structure to map categories to areas on a display in Tischer is illustrated in FIGS. 3a-b. There is no motivation to modify Tischer to employ an exchange protocol configured to manage data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. Tischer is directed to the display of file directories and allowing users to search through structured digital content items very quickly and very simply, not the exchange of data between a subscriber and a syndicator. Modifying Tischer to employ an exchange protocol for allowing dynamically executed services, as proposed within the Office Action, would add unnecessary and undesirable cost and complexity.

Additionally, Tischer does not disclose any management of data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. In fact, Applicant cannot find any mention at all of a subscriber or a syndicator in Tischer. Furthermore, there is no suggestion or incentive that would motivate one skilled in the art to modify Tischer to include the management of data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. As discussed above, Tischer is directed to the display of file directories, not the exchange of data between a subscriber and a syndicator.

For at least these reasons, the independent Claim 1 is non-obvious and patentable over Tischer in view of Han.

Claims 3-9 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Tischer, Han and their combination. Accordingly, Claims 3-9 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 10 is directed to a method of providing data content between a first network device and one or more other network devices. The method of Claim 10 comprises providing a communications protocol to manage data content exchange between the first network device and the one or more other network devices, wherein the communications protocol

comprises an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure, providing document type definition extensions to the communications protocol, wherein the document type definition extensions define the hierarchical data content structure for the data content and metadata corresponding to the hierarchical data content structure, configuring the hierarchical data content structure into a plurality of channels to store information and transmitting the data content between the first network device and the one or more other network devices according to the communication protocol and the document type definition extensions to the communications protocol. As described above, neither Tischer, Han nor their combination teach an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. For at least these reasons, the independent Claim 10 is allowable over the teachings of Tischer, Han and their combination.

Claims 12-18 are dependent on the independent Claim 10. As described above, the independent Claim 10 is allowable over the teachings of Tischer, Han and their combination. Accordingly, Claims 12-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to an apparatus for providing data content between a first network device and one or more other network devices. The apparatus of Claim 19 comprises a hardware system configured to implement means for providing a communications protocol to manage data content exchange between the first network device and the one or more other network devices, wherein the communications protocol comprises an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure, means for providing document type definition extensions to the communications protocol, wherein the document type definition extensions define ~~a~~the hierarchical data content structure for the data content and metadata corresponding to the hierarchical data content structure, means for configuring the hierarchical data content structure into a plurality of channels to store information and means for transmitting the data content between the first network device and the one or more other network devices according to the communication protocol and the document type definition extensions to the communications protocol. As described above, neither Tischer, Han nor their combination teach an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. For at least these reasons, the independent Claim 19 is allowable over the teachings of Tischer, Han and their combination.

Claims 21-27 are dependent on the independent Claim 19. As described above, the independent Claim 19 is allowable over the teachings of Tischer, Han and their combination. Accordingly, Claims 21-27 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 28 is directed to a network comprising one or more network devices and a first network device coupled to the one or more other network devices, the first network device comprising one or more applications, a network layer coupled to interface with the one or more other network devices, a communications layer to provide a communications protocol to manage data content exchange between the first network device and the one or more other network devices, wherein the communications layer comprises an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure and an extension layer to provide document type definition extensions to the communications layer, wherein the document type definition extensions define the hierarchical data content structure for the data content and metadata corresponding to the hierarchical data content structure, further wherein the hierarchical data content structure comprises a plurality of channels to store information. As described above, neither Tischer, Han nor their combination teach an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. For at least these reasons, the independent Claim 28 is allowable over the teachings of Tischer, Han and their combination.

Claims 30-36 are dependent on the independent Claim 28. As described above, the independent Claim 28 is allowable over the teachings of Tischer, Han and their combination. Accordingly, Claims 30-36 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a network device coupled to a network of devices. The network device of Claim 37 comprises a hardware system configured to implement one or more applications, a network layer coupled to interface with one or more other network devices, an Information and Content Exchange protocol including document type definitions to manage data content exchange between the network device and the one or more other network

devices according to a hierarchical data content structure and extensions to the document type definitions, wherein document type definitions extensions define the hierarchical data content structure for the data content and metadata corresponding to the hierarchical data content structure, further wherein the hierarchical data content structure comprises a plurality of channels to store information. As described above, neither Tischer, Han nor their combination teach an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. For at least these reasons, the independent Claim 37 is allowable over the teachings of Tischer, Han and their combination.

Claims 39-43 are dependent on the independent Claim 37. As described above, the independent Claim 37 is allowable over the teachings of Tischer, Han and their combination. Accordingly, Claims 39-43 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 44 is directed to a network device coupled to a network of devices. The network device of Claim 44 comprises a hardware system configured to implement one or more applications, a network layer coupled to interface with one or more other network devices, a communications layer to provide a communications protocol to manage data content exchange between the network device and the one or more other network devices, wherein the communications layer comprises an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure and an extension layer to provide document type definition extensions to the communications layer, wherein the document type definition extensions define the hierarchical data content structure for data content and metadata corresponding to the hierarchical data content structure, further wherein the hierarchical data content structure comprises a plurality of channels, wherein each channel within the plurality of channels includes one or more content sub-channels, wherein each channel within the plurality of channels provides data content of a related subject-matter and each content sub-channel of the one or more content sub-channels within a given channel segments the data content within the given channel according to more specific subject-matter than subject-matter of the given channel, wherein the metadata defines attributes of each of the plurality of channels, each of the sub-channels and each of the data content. As described above, neither Tischer, Han nor their combination teach an exchange protocol configured to manage the data content exchange between a subscriber and a syndicator according to a hierarchical data content structure. For at least these reasons, the independent Claim 44 is allowable over the teachings of Tischer, Han and their combination.

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Claims 45-47 are dependent on the independent Claim 44. As described above, the independent Claim 44 is allowable over the teachings of Tischer, Han and their combination. Accordingly, Claims 45-47 are all also allowable as being dependent upon an allowable base claim.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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